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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,883	03/25/2004	Guldo Martin Pydde		7796

7590  
Michael A. Grossman  
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28210 Avenue Crocker  
Valencia, CA 91355

10/28/2005

EXAMINER

BREAN, LAURA MICHELLE

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 10/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

*Ta*

<b>Office Action Summary</b>	<b>Application No.</b> 10/809,883	<b>Applicant(s)</b> PYDDE ET AL.	
	<b>Examiner</b> Laura M. Brean	<b>Art Unit</b> 3724	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10/26/2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/25/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: On page 3, last line; the Slide is inconsistently referenced as item three (3). Therefore, the three (3) should be changed to one (1) to keep prior notation consistency. Appropriate correction is required.

### ***Claim Objections***

2. Claims 1-5 are objected to because of the following informalities:

In claim 1, line 1; "we claim the Cable Ripper" is not appropriate language. The following replacement is suggested: --A cable ripper--.

In claims 2-5, line 1, "A hand tool" should be changed to --The cable ripper--.

In claim 2, line 1, "the blade cutting depth" has been set forth, but claim 1 only recites a "utility knife blade." It is suggested to use --wherein said utility knife blade has a cutting depth that is finger adjustable--.

In claim 2, line 2, the term "unique" should be omitted because it is non-descriptive.

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In claim 2, line 3, "a" should be changed to --said--.

In claim 3, line 1, "the cutting blade" has been set forth, but claim 1 only recites a "utility knife blade." It is suggested to use --the said knife blade-- for term consistency.

In claim 4, line 1, "the roller slide mechanism " should be changed to -- a roller slide mechanism--.

In claim 5, line 2, "the handle" should be changed to --a handle--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Chomiak (U.S. Patent 6578266). Chomiak discloses a safety utility razor knife that accommodates slitting cable insulation (column 3, lines 53-55), where the blade cutting depth is finger adjustable and spring loaded.

In regards to claim 2, Chomiak discloses a depth control (400) that “controls the movement of the hood (202) and thereby controls the depth of the cut made by the blade” (column 8, lines 58-60). Thereby, when the depth is set at “zero-inches”, the hood (202) is covering the blade (116 and 119) as show in Figure 1. Additionally, as disclosed in Figures 14-15, the depth control can be set from one-sixteenth inch to one-fourth inch, inclusive of the range as claimed by the applicant.

In regards to claim 3, Chomiak discloses a spring loaded, adjustable mechanism to insure that the depth of the cutting does not vary during use. This mechanism is comprised of a hood plunger assembly (spring) (305) and the slide spring (306). When the slide (300) is pressed forward to expose the blade, the hood plunger pin moves upwards into a groove in the slide. As described by Chomiak, “The upper surface of the groove slopes upward from the front to the back of the slide, thus allowing full upward movement of the hood plunger pin and full exposure of the knife blade when the slide is pressed fully into the forward position... Completion of the cut and release of the knife from the cut surface allows the hood to snap back into the closed position.”

5. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Ducret (U.S. Patent 5809652). Ducret discloses a cable-stripping device that is capable of cutting insulated cable lengthwise (Figure 8) to a pre-adjusted depth using a cutting member (standard utility knife blade) (84). In regards to claim 4,

Ducret discloses rollers (38,40,42,44) that are freely rotatable on rotatable pin (48). Opposite to the rollers, is a carriage (86) that houses the cutting member and is slidable along the longitudinal axis (16) of base (14) by rotation of threaded rotatable adjustment shaft (100). The rollers combined with the slidable housing create the "roller slide mechanism" which allows pressure to be asserted upon the cable or conduit to insure an even depth of cut along the length of the cable.

6. Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Krieger (U.S. Patent 4604805). Krieger discloses a hand tool capable of holding a standard utility knife blade to a pre-adjusted depth, in which the handle of the tool is capable of storing extra blades (described in column 3, lines 55-59). Although Krieger does not disclose the use of his knife for slitting cable, it is inherently *capable* of being used for such application.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent 5337479 to Ducret also discloses a cable stripper with a spring loaded finger adjustable mechanism. U.S. Patent 4,261,104 to Cuscovitch also discloses a holder for detachable blades.

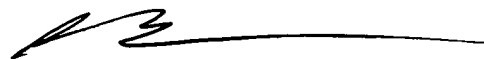
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura M. Brean whose telephone number is (571) 272-8339. The examiner can normally be reached on Monday through Friday, 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LMB  
10/26/2005



KENNETH E. PETERSON  
PRIMARY EXAMINER